DOCUMENT RESUME

ED 161 067 CS 204 454

AUTHOR Drechsel, Robert
TITLE How Nonmetropolitan Daily Newspapers Cover Courts in Minnesota.
PUB DATE Aug 78
NOTE 29p.; Paper presented at the Annual Meeting of the Association for Education in Journalism (61st, Seattle, Washington, August 13-16, 1978)

EDRS PRICE MF-$0.83 HC-$2.06 Plus Postage.
DESCRIPTORS *Attitudes; *Courts; Information Theory; Job Analysis; *Journalism; *Newspapers; *News Reporting; Occupational Information
IDENTIFIERS *Journalists

ABSTRACT

Nineteen nonmetropolitan daily newspapers in Minnesota were surveyed to determine how reporters covered lower level courts. Data were collected in the following categories: demographic characteristics of the reporters, the courts they covered, the type of information they gathered and how, the sources they used, the problems they had with the complexity of the information, the types of stories they wrote, the audience they wrote for, and their general attitudes about their work. Results showed that, as a group, the Minnesota reporters were young and relatively well-educated, but with little specialized training. The lack of time to do a thorough job was one of their major problems. They emphasized spot news over features or issue-oriented stories, and they found judicial sources accessible and cooperative. The reporters indicated that they enjoyed covering courts, had little trouble understanding the system, were confident in their abilities, and perceived court coverage as being equally as important as other public affairs coverage. (FL)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

ED161067

STUDENT COMPETITION
Moeller Award

HOW NONMETROPOLITAN DAILY NEWSPAPERS COVER COURTS IN MINNESOTA

By

Robert Drechsel
Doctoral Student

School of Journalism and Mass Communication
University of Minnesota

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Robert Drechsel

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC) AND USERS OF THE ERIC SYSTEM."

CS204454

Presented to the Mass Communication and Society Division, Association for Education in Journalism Annual Convention, Seattle, Washington, August 1978

The relationship between the press and the legislative and executive branches of government has not suffered from lack of scholarly and general attention. Much less attention has been given to the press and the judicial branch -- and almost none to the interaction of the press and the judicial system at lower court levels.

Yet, as one federal appeals court judge has written, "Communication with the public is the very lifeblood of the 'third branch' of government, and inadequate or confusing communication between the judiciary and the populace is a principal cause of modern discontent with our legal system. When a society is as impregnated as ours with the idea of law, it is essential that courts, advocates, and legal scholars be in intimate communion with public opinion." [1]

Those who have examined how the press goes about covering the judicial system have concentrated on the U.S. Supreme Court, federal appeals courts and state supreme courts. This study takes a beginning step in examination of interaction between the press and lower level courts of original jurisdiction. Nonmetropolitan newspaper court reporters were surveyed in an effort to learn the characteristics of the reporters, how they do their jobs, what sources they use, what problems they encounter, what kind of information they gather, what kind of coverage they provide and some of their attitudes about the job. Results were compared with findings from studies of higher courts.

Although press-court interaction has not been extensively studied, there has been no lack of criticism of the quality and quantity of press performance. A state judge has written that while newspapers will print many pages of sports each day, court news is lucky to get one page -- and that news is likely to be spread throughout the paper. "The comparative coverage," he said, "may be symbolic of our values and our attitude, and -- if this is as meaningful as might be inferred -- it may also be symptomatic of something wrong with not only our press but our society."[2]

David L. Grey, a scholar of press-court interaction, has complained that "the press often handles such complex fields as law by preoccupation with personalities, drama, action and other superficial issues."[3] Jack W. Peltason has written that the public lacks knowledge about the views and values of judges. "Although the legislative process is as subtle and complex as that of the judicial, few have denied that something can be learned from an analysis of legislators' voting records," he said. "But to show the impact of a judge's use of his voting power...is somehow thought to be 'misleading'."[4]

Others have used harsher words. One reporter has called the Supreme Court the "worst reported" institution in American government.[5] A law professor has called press coverage of the Supreme Court "abominable."[6] Neither mentioned coverage of lower level courts. However criticism has arisen at lower court levels frequently in connection with fair trial-free press controversies, several of which have reached the U.S. Supreme Court.[7]

Only a handful of persons have attempted scholarly research on press coverage of the courts. Grey, Goldschlager, Dennis, Newland,

Hachten, Ericson and Johnson have each examined one or more facets of press interaction with the U.S. Supreme Court.[8] Hale has examined press interaction with the Washington State Supreme Court.[9] Grey has also considered press interaction with federal courts of appeal.[10]

Several research techniques have been used and occasionally combined. The content of news stories and headlines has been studied and compared with court opinions; court reporters have been directly observed while they work; reporters and judges have been interviewed in person and by questionnaire; and readers have been interviewed.[11]

Although different researchers have studied different aspects of the press-court relationship,[12] certain conclusions have been common to more than one study. For example, when there have been documented instances of inaccurate reporting, blame has been placed on both the press and the courts. The press has been blamed for placing speed and superficiality over quality and depth, at least partially because of lack of expertise. The courts have been blamed for writing cloudy opinions and for doing nothing to help journalists understand the complexities of the law. As one Supreme Court reporter has written: "I would suggest that murky decision-reporting may be the reporting of murky decisions as well as the murky reporting of decisions."[13] The Supreme Court has been criticized for handing down large numbers of decisions almost simultaneously and without warning, thus forcing reporters to work frantically against deadline pressure.[14]

More than one observer has noted the inaccessibility of important personal sources -- and even documentary sources -- at

the U.S. Supreme Court. "One of the staples of the reporter's way of life -- the interview -- is, for all practical purposes, nonexistent," says Grey. "The newsman has only his background knowledge, notes, typewriter, desk and phone -- and whatever resources or contacts they can provide as he hastens to call in his story or to get down on paper what the Court has decided."[15] And although Grey found that justices and reporters did have considerable contact, their discussions were general and not "newsy".[16]

Studies by Grey and Hale both suggest, however, that as one moves to lower level courts, accessibility of decision-makers -- i.e. judges -- increases. Grey found that federal appeals court judges were more accessible than Supreme Court justices and tended to talk more about decided cases.[17] Hale found that two-thirds of the justices of the Washington Supreme Court said they would cooperate in explaining their own decisions to the press or by answering reporters' questions "concerning general points in the law, off the record or for background purposes only."[18] But few reporters made contact, although they said they were well satisfied with cooperation from attorneys, justices and court officers.[19]

Research by Grey, Dennis, Hachten, Newland and Ericson all suggests that the press does indeed tend to cover the U.S. Supreme Court rather superficially with emphasis on spot news. Hale's work suggests a similar situation on the state supreme court level. Dennis, for example, found that reporters said they spent about half their time on stories about decisions and another 23 percent on advance stories about docketing or petitions for certiorari.[20] And Ericson concluded that even a reader relying on the New York Times "would not know what really happened in more than three-fourths

of the Court's decisions of the 1974 October term -- not to mention why it happened and with what consequences for the reader."[21]

Since all of the above research involved appellate courts covered generally by large news media, one wonders what similarities and differences exist where lower level courts of original jurisdiction are covered by smaller media. The present study was undertaken as a beginning, descriptive examination of press coverage of such courts.

RESEARCH METHOD

The newspapers selected for study were all the dailies in Minnesota aside from the Minneapolis-St. Paul metropolitan dailies.[22] It was assumed that because of their resources, the metropolitan papers would likely cover courts differently -- both quantitatively and qualitatively -- than much smaller papers.[23] Broadcasters were not sampled, although information was gathered on how many of the newspapers had broadcast competition in their court coverage.[24]

A mail questionnaire was sent to all 25 nonmetropolitan dailies in Minnesota in January 1978. Two weeks after the initial mailing, follow-up telephone calls were made to those which had not responded. Total response was 76 percent (19 newspapers). Average circulation for the newspapers surveyed was 15,231; however four of the 25 had circulations of 25,000 or more and if their circulations are removed from the sample, the average would be 10,418. Circulations ranged from 3,915 to 51,251.[25] News staff size ranged from three to 30. The average was 9.6; the median was 7. All but two of the newspapers were published in county seats.

It should be noted that the study did not involve examination of any newspaper content, nor did it involve interviews with judicial

news sources. Only reporters (or editors, if they covered court) were sampled.

FINDINGS

The data can be divided into several categories: demographic characteristics of the reporters; which courts they cover; the type of information they gather and how; sources they use; problems they have with the complexity of the information; the types of stories they write and the audience they write for; and some general attitudes about their work.

DEMOGRAPHICS: Most of the reporters covering court were young. Nearly 70 percent were between 21 and 30; only two were over 40. In years of reporting experience, they ranged from 1½ months to 40 years, with an average of 7.68 years. But only six had been reporters for more than five years. Average years with their present employer was 4.9 years, but the median was just two years. Court reporting experience ranged from one month to 26 years with an average of 5.5 years but a median of 2.5 years.

The reporters were well-educated. All but one had at least some college. Thirteen had bachelor's degrees -- at least seven of them in journalism, although not all respondents listed their undergraduate majors. Five had done graduate work -- all but one in communications or journalism -- and at least one had a master's degree in journalism.

Since legal training would be of obvious help to a court reporter, respondents were asked whether they had any such training. Nearly 60 percent said they had had some classroom contact with legal subjects, but most of that contact was through courses in business or press law. About 20 percent, however, had done coursework

in criminal law (one had majored in criminal justice) and three had prior work experience with law firms (one as a legal secretary, one as part of a college internship, and the third in an unspecified capacity).

COURTS COVERED: All 19 respondents indicated that their newspapers regularly cover the county and district courts in their coverage areas.[26] But 74 percent of the reporters spend less than 25 percent of their working time on court coverage and only one spends more than 50 percent of his working time on court coverage.

NEWS GATHERING: Clearly, court coverage for virtually all the reporters is a small part of their duties -- probably part of a larger beat. Nevertheless, 78 percent of the respondents make at least daily contact with the courts they cover; another 17 percent make regular contact but less often than daily. Only one reported making irregular contact with courts.

Thirteen of the reporters said they have competition from other media. Most of the competition is from broadcasters. Only two reporters said they have newspaper competition but both said the competition is slight. Eleven of the 13 said competition has no effect on how they do their jobs. One who did feel some effect said broadcast competition made her provide more detail in stories to compensate for the broadcaster's immediacy; the other said the competition forces him to work harder [faster?] on complex cases to which more time could otherwise be devoted.

A problem eight reporters mentioned was time and staffing. Time problems -- often related to small staffs -- involve either insufficient time to do a thorough job or delays on the part of the judicial system itself. Such delays, several reporters said, made

it difficult to keep up with cases and also caused them to waste time.

The reporters were asked what specific kinds of information they gather from county and district courts.[27] Responses indicated that in both courts, more reporters gather information on criminal cases than on civil cases. In county court, all but two respondents gather information on filings of serious criminal charges, and 16 of 19 report on at least some first court appearances by criminal defendants. Twelve of 19 report on pretrial hearings in criminal cases. Nearly four-fifths of the respondents said they gather information on traffic offenses; nearly 70 percent gather information on other misdemeanor cases.[28] But less than half (8 of 19) said they gather information on miscellaneous civil cases in county court. Ten also said they obtain information on divorces; eight obtain some type of information on some juvenile actions; and seven gather information on some probate actions.

In district court, 100 percent of the respondents said they gather information on results of criminal hearings, arraignments and pleadings, the results of criminal trials and sentencings. Eleven of 19 said they gather information on civil case filings; 14 of 19 said they gather information on civil case dispositions. Twelve of 19 indicated they obtained court calendars from district court.

SOURCES OF INFORMATION: All of the respondents said they routinely use court documents and records and only one reported major difficulty obtaining access to such records. Asked to specify what documents they most frequently use, six specifically mentioned criminal complaints and files; four mentioned civil complaints; and

eight mentioned case files without specifying type of case. Nine mentioned complaints without specifying civil or criminal.[29]

Asked what personal sources they use,[30] all of the reporters said they use the county attorney and law enforcement officials. All but one said they use court clerks; 17 said they use judges; 16 said they use the city attorney and private attorneys; and 11 said they use civil action plaintiffs and defendants. Nine respondents said they use criminal defendants as sources; seven mentioned public defenders and six said they use the official court reporter. Although responses were somewhat difficult to categorize, the reporters indicated that they used such sources primarily for general information about cases or for background on cases. One mentioned using a source to explain the implications of rulings, one mentioned finding out settlement terms (presumably in civil cases), and one mentioned getting information on plea bargaining.

Although respondents were not asked how frequently they use each source, they did indicate that most sources are cooperative. Five reporters indicated that some sources are sometimes uncooperative (public defenders and private attorneys were mentioned), but no respondent said that personal sources were all uncooperative. Eleven rated cooperation generally as very good or said sources were fully cooperative.

The difference in coverage of criminal and civil matters suggested by data on type of information gathered is reinforced by the reporters' patterns of attending court proceedings. While all but one of the reporters said they attend criminal hearings, arraignments and trials occasionally or frequently, eight of 19 said they seldom or never attended civil action hearings or trials.

Only two said they frequently attend civil case proceedings.

UNDERSTANDING INFORMATION: Few of the respondents indicated having serious difficulty understanding court records or proceedings, although six said they might occasionally have difficulty and three admitted having considerable trouble. "Sometimes the legal argot is impenetrable," said one reporter "One needs hip waders to survive." Interestingly, however, when asked how they solve the problem when they have trouble with understanding, 17 of the 19 replied. Clearly, the most frequently used problem-solvers were attorneys (mentioned 12 times); court clerks (mentioned nine times); and judges (mentioned eight times).

Since legal reference materials are one source reporters could use to seek explanation and background, the respondents were asked whether they ever used such materials. Twelve said yes, and nine of them mentioned using state statute books. One mentioned legal encyclopedias, one mentioned case reporters, and one mentioned a newsman's guide to "legalese". There were no other specific answers. The reporters were asked how frequently they use such materials, but well over half failed to respond. Three said they use such materials occasionally or rarely; one said "fairly regularly"; and one said frequently.

Asked how they learned about the references they use, three mentioned help from judges and three mentioned help from attorneys. Most of the rest indicated self-instruction. "Through desperation," said one. "Trial and error," said another.

STORIES: The survey shows a definite emphasis on event-centered news from the lower courts. Asked to estimate what percentages of their stories were of several specific types, the reporters most

often mentioned lists of court appearances and dispositions (46 percent of the stories) and spot news stories (28 percent).[31] Twelve percent of the stories mentioned were advance stories on upcoming court action. Less than five percent of the stories were on general legal trends or issues; and less than five percent were stories localizing national or state legal stories.[32]

Asked how often local court stories -- aside from lists of appearances or dispositions -- appeared in their papers, 21 percent said daily, 47 percent said at least weekly, and 32 percent said less often than weekly. Asked what audience they try to write for, almost 90 percent said a general audience. Only three mentioned anything more specific. One said the "average working class American" -- which might have been another way of saying a general audience. Another said "generally the layman, but we are also conscious of the fact that lawyers and judges are also reading them [stories]." The third said "not for an attorney."

ATTITUDES ABOUT THE JOB: The reporters were asked whether they believe court coverage is more important, equally as important, or less important than other public affairs coverage. None said it is more important; 15 said it is equally as important; and four said it is less important. Asked to explain their reasons, the reporters gave a wide variety of answers. The most frequently mentioned reason given by those who felt court coverage is equally as important was the impact and power of court decisions. The importance of the courts as another branch of government was suggested by answers referring to such concepts as the public's right-to-know and government accountability. ("The court budget is one-third of the total in [the] county," said one reporter. "Although judges

here are cooperative, they none-the-less deserve to be watched more than the assistant sanitarian.") Those who thought court coverage is less important generally said they feel that way because most court decisions affect specific individuals rather than the larger community. ("I consider most criminal case news like gossip," said one reporter. "I don't believe people need to know it.")

All but one of the reporters said they enjoy court reporting.[33] A typical response: "I love it [court reporting]. I am intrigued by the process and the excitement of legal conflict. Various interpretations of the law fascinate me." The only reporter who did not indicate enjoyment said "I think I would [enjoy court coverage] if it were more than traffic court." Almost 85 percent of the reporters (16 of 19) said they feel as confident covering courts as they do handling other assignments.

DISCUSSION

Demographically, the Minnesota reporters were similar -- but only in a general way -- to the U.S. Supreme Court reporters surveyed by Dennis. Both groups are relatively young and well-educated, but the Minnesota reporters are still younger than the Supreme Court reporters and their education is less specialized. The youngest reporter Dennis found was 27 and most were in their early thirties.[34] Most of the Minnesota reporters were between 21 and 30. Although several Minnesota reporters had done graduate work and all but one had at least some college education, six of the Supreme Court reporters had law degrees and six had master's degrees (some held both degrees).[35] The Minnesota reporter with

the educational background seemingly best suited to court reporting was a criminal justice studies major.

The Supreme Court reporters had, on the average, more reporting experience than the Minnesota reporters -- an average of 11.57 years (range of 4.5 to 27)[36] compared to an average of 7.68 (range of 1½ months to 40 years). The Minnesota reporters actually appear to have been covering courts longer than the Supreme Court reporters -- an average of 5.5 years versus 3 years.[37] But the Supreme Court reporters were not asked how long they had covered courts other than the Supreme Court.

None of these findings is particularly surprising. One would expect to find younger reporters at smaller newspapers covering lower units of government. Younger reporters would logically have had less time to obtain specialized advanced education even if they wanted to, and once they get it, one would expect them to move to a larger medium where the specialization could be more frequently used. It is interesting to note, however, that three of the Minnesota reporters had been associated with the legal profession by working in some capacity for law firms. Whether that experience helps them do a better job of court reporting is unanswerable by this research, but the fact that they are covering courts may suggest an effort by their employers to make use of such background. Overall, however, it would seem that those who criticize the qualifications of the press to cover the judicial process might have a stronger case the further down into the court system one goes.[38]

It is when one considers time spent covering courts, time pressure, and reporter-source interaction that some striking differences emerge between the Supreme Court and Minnesota court reporters. More than 70 percent of the Minnesota reporters spend less

than 25 percent of their working time on court coverage. Dennis found that 60 percent of his respondents spent 50 percent or more of their time covering court. Only 20 percent of his respondents spent less than 25 percent of their time covering court.[39] Again, such results are not surprising. A small newspaper with a small staff simply cannot afford the luxury of such specialization. Further, at least in terms of spot news value, most judicial decisions at the district and county court level will be far less momentous than decisions of the U.S. or even state supreme courts.[40]

Time appears to be a problem for reporters at all court levels, but in different ways. At the Supreme Court, the major problem is apparently the way the court issues decisions -- in clusters and without warning as to which decisions will be announced. Thus the reporter is forced to work frantically just to get spot news stories out before deadline.[41] In the Minnesota lower courts, the problem is more one of being able or willing to free a staff member long enough to do a good job. All of the reporters responding to the survey had other reporting duties. Time had to be budgeted. This fact, coupled with the steady stream of case filings and the often slow legal process, creates time problems -- but not necessarily deadline problems -- for many reporters.

Indeed, eight Minnesota reporters specifically mentioned problems related to time in that sense, but none mentioned deadline pressure. "[It is] difficult to follow cases from beginning to end since there are changes in calendar, continuances, delays up to six months, etc.," said one reporter. Said another: "trials are often time-consuming -- with much time wasted by haggling lawyers -- so sitting through them is often a waste of time when there are other

things to do." Such difficulties can lead to frustration. "I am trying to do more background on legal issues and localizing national and state stories," one reporter said. "Time does not permit as much time for this as I'd like." In other words, the reporter for the small newspaper must put every moment to the most productive use possible and if court coverage demands too much time relative to the pay-off, it must be sacrificed.

In one respect, the reporter covering the lower level court may have an advantage over the Supreme Court reporter. Since the flow of action and decisions at the lower level is more continuous, the reporter is less often faced with having a large number of complex, important decisions released simultaneously. Court calendars and helpful clerks can tell the reporter when a specific case is coming up, perhaps with some certainty that something newsworthy will happen at a specific time. Further, the simple fact that the Minnesota reporter is likely to be aware of events that lead to criminal -- and sometimes civil -- cases means that the reporter can anticipate court action. The Supreme Court reporter never knows what decisions will be issued on a given day. Nor does he or she have any but the most general idea of what stage the decision-making process is in for a specific case. The reporter knows when a petition for certiorari is filed and when oral argument is scheduled and held, but that is about all.

On the other hand, even though nearly all the Minnesota reporters maintain regular contact with the courts, the chances of their missing significant decisions might be higher than at the Supreme Court. The mere fact that a case is being decided by the U.S. Supreme Court suggests that the case is significant, but no

such obvious indicator is available in courts where judges cannot be so selective about which cases they will hear. At the lower court level, the reporter may have to rely more on familiar names, unusual facts, or tips from court sources to determine newsworthiness. Obviously, all can be fallible.[42] Further, courts decide issues of law as well as fact. Yet the significance of a ruling of law may easily escape the unwary or untrained eye. Perhaps such oversight is more likely at lower court levels because, as Hale has pointed out, at the appellate level it is usually always the law, not the facts, which is at issue.[43] One might expect that the appellate court reporter would therefore be more alert to the significance of rulings on law, while in lower courts the law-fact distinction might be less obvious. Yet even at the state supreme court level Hale found that not one reporter mentioned the newsworthiness of the court's lawmaking function.[44]

As one might hypothesize after reading the Grey and Hale studies, accessibility and usefulness of judicial decision-makers as sources does seem to increase as one moves down the court hierarchy. Grey found justice-reporter contact rather useless at least in helping reporters cover specific cases; he found that federal appeals court judges were more helpful. Hale found state supreme court judges quite willing to help reporters, but few reporters contacted them.[45] But the Minnesota lower court reporters apparently do use judges as sources and find them cooperative. Several reporters said they get help from judges when they have trouble understanding documents or proceedings, and some judges helped reporters use legal reference materials.

Most Minnesota reporters also use law enforcement authorities, attorneys and court clerks as sources. There is less use of litigants (criminal defendants and civil suit plaintiffs and defendants). This suggests at least a slight bias in favor of prosecution over defense sources in criminal cases. Whether actual stories would reflect such a bias is another question. In fact, what role each source plays in determining what becomes news is a worthwhile question for further study.[46] The common use of court clerks as sources may itself be significant, although such a conclusion is tenuous. But MacKenzie has suggested that at the Supreme Court "the Court's clerical and semi-clerical workings pose problems of their own. In the day-to-day coverage of the Supreme Court the reporter may encounter secrecy at every stage, not all of it necessary to the independent performance of the judicial function."[47] Dennis does not even list clerks as major sources on which Supreme Court reporters rely.[48] Yet most Minnesota reporters not only use clerks but find them cooperative and report few problems getting access to court documents.

That the Minnesota reporters follow criminal court action more closely than civil court action is suggested -- as noted earlier -- by both the type of information they say they gather and their patterns of attending court proceedings. For example, at the county court level, 17 reporters said they gather information on filing of charges in more serious criminal cases; 16 gather information on first appearances in criminal cases. But only eight said they gather information on miscellaneous civil cases; ten said they gather information on divorces; and seven said they gather information from the probate division of county court.

The same pattern appeared in district court. There, all 19 respondents indicated they gather information on results of criminal hearings, arraignments, pleadings, trials and sentencings. But only 11 said they gather information on civil action filings, and 14 said they gather information on civil case dispositions.

Again, however, the differences are not particularly surprising. One might hypothesize that the criminal cases are more obviously newsworthy, and that civil disputes may be perceived as basically private matters. Whether there is a similar pattern in Supreme Court reporting is unknown.

One striking similarity between the Minnesota reporters and the Supreme Court reporters is the type of stories they report writing. In both cases, an overwhelming emphasis on event-centered spot news is evident. For example, when Dennis asked Supreme Court reporters what percentage of their time they devoted to various story types, over 75 percent of the time went to news about events (about 50 percent to reporting decisions, 23 percent to stories on docketing and petitions for certiorari and five percent to oral argument).[49] The Minnesota reporters indicated that about 85 percent of their stories were event-centered spot news. Forty-six percent of the stories were lists of dispositions and appearances. At both levels much less attention was given to stories on legal trends or issues or features on the courts. Yet such event-centered emphasis may be more understandable at the lower court level where many reporters barely have time to cover the basics much less do more.

Dennis found no uniformity in Supreme Court reporters'

responses as to what audience they wrote for. Several of the reporters did, however, have rather specific ideas about audience.[50] Almost all the Minnesota reporters said they were writing for a general audience.

Why there should be such a difference between groups of reporters is unclear. Perhaps it is partially a function of media and audience size and type of court. That is, the larger the medium and its audience, the more likely a reporter may be to perceive the existence of specialized sub-audiences and the more the reporter (and editors) may feel justified in devoting resources to serving what is primarily a sub-audience. And, reporters at the Supreme Court are dealing with cases that set and elaborate on precedent. Such precedent may be vitally important to one or more sub-audiences, thus justifying the reporter's aiming at something less than a general audience.[51]

Although the press has frequently been criticized for inaccurate court coverage, most Minnesota reporters said they are as confident covering courts as they are handling noncourt work, and that they never or only occasionally have trouble understanding a court document or proceeding. However, several reporters who said they have no trouble understanding documents and proceedings also responded to a question asking where they seek help when they do have such problems. How such seemingly contradictory responses can be reconciled is unclear. In any case, the replies all suggest that reporters do rely on judges, attorneys and clerks for assistance that involves explanation and interpretation as well as facts.

Finally, nearly 80 percent of the Minnesota reporters said they believe court coverage is equally as important as coverage of

other public affairs -- even though it generally gets less than 25 percent of their time and even though nearly a third of the reporters write court stories (other than lists) less often than weekly. Are such data contradictory? Possibly not, if one considers the great use of lists of court appearances and dispositions. For a busy reporter, coverage via summary lists -- and via many other court stories -- can be accomplished without devoting large chunks of time to in-person observation or lengthy interviewing. It may not be as easy to avoid greater time investment in covering other public affairs spot news (e.g. a city council meeting). And much of the judicial decision-making process is secret anyway.

Of course, this is not to justify or excuse poor court reporting. The data may be contradictory. Reporters may not be giving courts coverage to match their perceived importance. But such a conclusion goes beyond the scope of this study.

SUMMARY

This study involved a mail survey to determine how reporters in outstate Minnesota cover lower level courts. Results were placed in the context of research done primarily at the U.S. Supreme Court.

As a group, the Minnesota reporters were found to be young, relatively well-educated, but with little specialized legal training. Like their Supreme Court colleagues, they find lack of time to be a problem, but in a different way than at the Supreme Court. Also like their Supreme Court colleagues, they emphasize spot news over features or issue-oriented stories, but they spend much less time covering courts than the Supreme Court reporters.

Unlike their Supreme Court colleagues, they find judicial sources accessible and cooperative. The Minnesota reporters say

they enjoy covering courts, have relatively little trouble understanding the system, are confident in their abilities, and perceive court coverage as equally as important as other public affairs coverage.

This study is a small beginning. Further work is needed to explore the content of court stories written by these reporters; how sources perceive the reporters and their work; how sources and reporters actually interact; differences in coverage between metropolitan and nonmetropolitan newspapers; differences between print and broadcast coverage; and a host of other questions.

#####

FOOTNOTES

1 Irving R. Kaufman, "Helping the Public Understand and Accept Judicial Decisions," American Bar Association Journal, 63:1567 (November 1977).

2 James O. Monroe Jr., "Press Coverage of the Courts," Quill, Vol. 61 (March 1973), p. 24.

3 "Covering the Courts: Problems of Specialization," Nieman Reports, 26:17 (March 1972).

4 Federal Courts in the Political Process (New York: Random House, 1955), p. 25.

5 Max Freedman, "Worst Reported Institution," Nieman Reports, 10:2 (April 1956).

6 Philip B. Kurland, "On Misunderstanding the Supreme Court," University of Chicago Law School Record, 9:13 (1960).

7 See for example Irvin v. Dowd, 366 U.S. 717(1961); Sheppard v. Maxwell, 384 U.S. 333(1966); Estes v. State of Texas, 381 U.S. 532(1965).

8 David L. Grey, The Supreme Court and the News Media (Evanston: Northwestern University Press, 1968); Seth A. Goldschlager, "The Law and the News Media," unpublished senior thesis, Yale Law School, 1971; Everette E. Dennis, "Another Look at Press Coverage of the Supreme Court," Villanova Law Review, 20:765-99 (Spring 1975); Chester A. Newland, "Press Coverage of the United States Supreme Court," Western Political Quarterly, 17:15-36 (March 1964); William A. Hachten, "Journalism and the Prayer Decision," Columbia Journalism Review, Fall 1962, pp. 4-9; David Ericson, "Newspaper Coverage of the Supreme Court: A Case Study," Journalism Quarterly, 54:605-7 (Autumn 1977); Richard M. Johnson, The Dynamics of Compliance (Evanston: Northwestern University Press, 1967), pp.68-95.

9 F. Dennis Hale, "How Reporters and Justices View Coverage of a State Appellate Court," Journalism Quarterly, 52:106-110 (Spring 1975). See also, Hale, "The Court's Perception of the Press," Judicature, Vol. 57:182-9 (December 1973).

10 See generally, "Public Communication of U.S. Appellate Court Decisions," Ph.D. dissertation, University of Minnesota, 1966. The dissertation was the basis for The Supreme Court and the News Media, op. cit., but not all of the material on appellate courts appears in the book.

11 See notes 8, 9 and 10 above.

12 Such aspects include the quality and quantity of coverage; how readers get information on court decisions; qualifications and characteristics of reporters; sources' perception of press coverage, etc.

13 John P. MacKenzie, "The Warren Court and the Press," Michigan Law Review, 67:305 (December 1968).

14 The decisions and orders handed down by the U.S. Supreme Court on one day, June 12, 1967, filled all of Volume 388 of the United States Reports -- more than 580 pages. Ibid., p. 306.

15 The Supreme Court and the News Media, p. 44. See also Anthony Lewis, "Problems of a Washington Correspondent," Connecticut Bar Journal, 33:363-71 (1959). MacKenzie, op. cit., pp. 307-8, has noted from personal experience that there may be secret pleadings, exhibits and correspondence at the U.S. Supreme Court.

16 The Supreme Court and the News Media, p. 51.

17 Ibid., p. 55. See also Grey, "Public Communication of U.S. Appellate Court Decisions," pp. 177-79.

18 "How Reporters and Justices View Coverage," p. 109.

19 Ibid.

20 Dennis, p. 792.

21 Ericson, p. 607.

22 The metropolitan dailies are the St. Paul Dispatch and Pioneer Press, and the Minneapolis Star and Tribune.

23 Of course, that assumption may be open to question and would make good grist for a future comparative study. The author did, however, do a brief study on how one of the metropolitan daily court reporters functioned. Although in many respects (e.g. age, experience, education, use of sources) he was similar to reporters for nonmetropolitan papers, none of the outstate reporters devoted fulltime to court coverage or had the opportunity to pursue coverage as thoroughly. Further, one might speculate that the outstate courts do not generate as much newsworthy material as those in the metropolitan area. Finally, reporters in the metropolitan area cover a court system which is different from that outstate. Nonmetropolitan areas have county court instead of municipal court and their respective jurisdictions are somewhat different. Both areas have state district courts, but again jurisdiction is somewhat different. For example, in Hennepin County (Minneapolis), district courts handle juvenile and family court matters. In outstate areas, such functions are generally handled by county court.

24 Again, it might prove worthwhile to compare coverage by newspapers with that of radio and television, but that is outside the scope of this study. It was assumed that the quality and quantity of broadcast coverage is likely different from that of newspapers, at least in part because of the physical differences in media.

25 Circulation figures were taken from the 1977 Minnesota Newspaper Association Rate Book and the 1976 Editor & Publisher Yearbook. By comparison, the smallest of the metropolitan dailies has a circulation of 100,000.

26 Two reporters said they cover either county or district court while another staffer takes the other court. County courts handle misdemeanor cases, the beginning stages of serious criminal cases, smaller civil cases, divorces, probate and juvenile matters. District courts handle serious criminal cases and larger civil cases, although the two courts do have some concurrent jurisdiction.

27 Space was provided for respondents who wished to add types of information they did not find in the closed-ended lists.

28 Only two respondents, however, reported obtaining information on search warrants and seven mentioned obtaining information on arrest warrants issued by the court.

29 Three did not answer the question. Other documents mentioned by only one or two respondents included transcripts, registers, judgment books, affadavits, interrogatories, answers, verdicts and traffic tickets. Three reporters mentioned depositions.

30 Space was provided for respondents to add types of information they did not find in a closed-ended list.

31 Percentages were averaged. Five respondents indicated that lists accounted for 75 percent or more of their stories.

32 Miscellaneous responses made up the remainder. Reporters were given a check list of story types but space was provided for open-ended answers.

33 Two failed to answer the question on job enjoyment.

34 Dennis, p. 791. Dennis received responses from 15 of 23 reporters surveyed.

35 Ibid., p. 792.

36 Ibid., p. 791.

37 Ibid., p. 792.

38 The validity of such criticism would depend on the quality of the coverage -- something outside the scope of this study.

39 Dennis, p. 792.

40 Of course, breadth of impact is not the only measure of news value and, to some degree, the proximity of local decisions will balance the broader significance of decisions made elsewhere.

41 See for example, The Supreme Court and the News Media, pp. 56-68, for a case study. The same case study is presented by Grey in "Decision-Making by a Reporter Under Deadline Pressure," Journalism Quarterly, 43:419-28 (Autumn 1966).

42 Perhaps one value of the predominance of newspapers' running of lists of court appearances and dispositions is that it solves this problem. But lists do nothing to emphasize the relative importance of decisions.

43 "How Reporters and Justices View Coverage," p. 110.

44 Ibid., p. 109.

45 See notes 16-19 above.

46 Goldschlager, op. cit., has suggested that at the U.S. Supreme Court, the informal relationship between the court's press officer and reporters may have a significant effect on news judgment. Goldschlager, pp. 42-44, cited by Dennis, p. 779.

47 MacKenzie, p. 307.

48 Dennis, p. 776. The source most resembling clerks is apparently the Supreme Court press officer, but there is evidence

that the press officer is little more than a conduit for information and is usually tightlipped. See The Supreme Court and the News Media, p. 47.

49 Dennis, p. 792.

50 Ibid., pp. 794-95.

51 That legal reporters should aim at less than a mass audience has been suggested by Grey, "Covering the Courts," p. 19.

#####